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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,018	06/29/2001	Leslie John Cass	ADAMS1100	9324
28213	7590	07/18/2005	EXAMINER	
DLA PIPER RUDNICK GRAY CARY US, LLP			BORISSOV, IGOR N	
4365 EXECUTIVE DRIVE			ART UNIT	
SUITE 1100			PAPER NUMBER	
SAN DIEGO, CA 92121-2133			3639	

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,018

Applicant(s)

CASS, LESLIE JOHN

Examiner

Igor Borissov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 4/29/2005 has been entered.

Response to Amendment

Amendment received on 4/29/2005 is acknowledged and entered. Claims 1-31 have previously been canceled. Claims 32, 40, 41, 43, 51, 54, 58, 63, 67 and 72 have been amended. Claims 32-74 are currently pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32-37, 39-41, 43-48, 50-52, 54-56, 62-65, 71- 72 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjelmvik et al. (WO 98/30982) in view of Ganot (US 5,166,680).

Hjelmvik et al. (Hjelmvik) teaches a system including a portable device for monitoring parked vehicles, comprising:

Independent Claims

As per Claims 32, 43, 54 and 63,

a single hand-held device for monitoring and identifying a vehicle in at least one parking zone, the device including input means for feeding input identification data of a vehicle parked in a parking zone into the device (P. 7, L. 35 – P. 8, L. 14);

communication means for receiving reference identification particulars of vehicles communicated from a remote station to the device (P. 6, L. 31-35);

storage means for storing said reference identification data (P. 6, L. 31);

processor means connected to the input means and to the storage means, the processor means including comparator means for comparing the input identification data with the reference identification data (P. 7, L. 4-9);

calculating means being operable to calculate a monetary amount due for parking for said duration in the parking zone (P. 4, L. 21-22);

a display (P. 6, L. 30).

Hjelmvik does not specifically teach timing means for timing the duration for which the vehicle is parked in the parking zone; signal generation means for selectively generating a warning signal in response to said comparison; monetary receiving means for receiving the monetary amount due; and that said calculating means is included in said single hand-held device.

Ganot teaches a portable, single-unit parking meter device, including a processor, a display, data input means, and further including timing means for timing the duration for which the vehicle is parked in the parking zone (C. 4, L. 45-50); signal generation means for selectively generating a warning signal in response to said comparison (C. 5, L. 38-41); monetary receiving means for receiving the monetary amount due (C. 8, L. 12-23); and a monetary amount calculating means (C. 10. L. 3-7).

It would have been obvious to one having ordinary skill in art the time the invention was made to modify Hjelmvik to include that said single-unit includes timing means, monetary amount calculating means and monetary receiving means, as disclosed in Ganot, because it would advantageously allow to charge customers for parking in the areas not equipped with conventional pay meters. And it would have been

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obvious to one having ordinary skill in art the time the invention was made to modify Hjelmvik and Ganot to include signal generation means for selectively generating a warning signal in response to said comparison, as further disclosed in Ganot, because it would advantageously allow to simplify the process of determining which vehicle is in "parking time" violation.

As per Claim 72, Hjelmvik teaches a method for monitoring parked vehicles with a portable device, comprising:

- feeding input identification data of a vehicle parked in a parking zone into the single hand-held device (P. 7, L. 35 – P. 8, L. 14);

- transmitting said identification data to a remote station (P. 10, L. 17-19);

- comparing said transmitted identification data with reference identification data at the remote station (P. 10, L. 19-20);

- calculating a monetary amount due for parking (P. 4, L. 21-22);

- receiving said monetary amount due for parking (C. 6, L. 4-5).

Hjelmvik does not specifically teach selectively generating a warning signal in response to said comparison; and timing the duration for which the vehicle is parked in the parking zone.

Ganot teaches a method for monitoring parked vehicles with a portable device, comprising: timing the duration for which the vehicle is parked in the parking zone (C. 4, L. 45-50); and selectively generating a warning signal in response to said comparison (C. 5, L. 38-41).

It would have been obvious to one having ordinary skill in art the time the invention was made to modify Hjelmvik to include timing the duration for which the vehicle is parked in the parking zone, as disclosed in Ganot, because it would advantageously allow to charge customers for parking in the areas not equipped with conventional pay meters. And it would have been obvious to one having ordinary skill in art the time the invention was made to modify Hjelmvik and Ganot to include selectively generating a warning signal in response to said comparison, as further disclosed in Ganot, because it would advantageously allow to simplify the process of determining which vehicle is in "parking time" violation.

Dependent Claims

Furthermore, Hjelmvik teaches:

As per Claims 33, 44, 56 and 65. Said monetary receiving means includes card reading mean (P. 8, L. 12-23).

As per Claims 34, 45, See reasoning applied to Claims 32 and 43.

As per Claims 35 and 46, said device, wherein the identification data is displayed on the display (P. 6, L. 30; P. 9, L. 9-10).

As per Claims 36 and 47, said device, including a printer for printing a hard-copy of selected data (P. 9, L. 20-29).

As per Claims 37 and 48, said device, including a keypad (P. 8, L. 25-27).

As per Claims 39, 50, 55 and 64, said system, wherein said communication means is a wireless communication link (P. 7, L. 11-12).

As per Claims 40, 41, 51 and 52, Ganot teaches said device, including device-enabling means for selectively enabling the device by means of a password (C. 9, L. 3-12).

Furthermore, Hjelmvik teaches:

As per Claims 62 and 71, said system, wherein the remote station includes alternate communication means for communicating with databases (P. 7, L. 11-14).

As per claim 74, said method, wherein said device includes a database for storing a reference identification data of vehicles; said method further comprising updating said database periodically (P. 9, L. 17-19).

Claims 38, 42, 49, 53 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjelmvik in view of Ganot and further in view of Bashan et al. (US 5,339,000).

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As per claims 38 and 49, Hjelmvik and Ganot teach all the limitations of Claims 38 and 49, except that said device includes a reader capable of reading wirelessly a tag device placed on the vehicle.

Bashan et al. (Bashan) teaches a system for monitoring parked vehicles, comprising a hand-held device including a reader capable of reading in a wireless fashion a tag placed in or on the vehicle, said tag carrying identification data of the vehicle (C. 5, L. 52-55).

It would have been obvious to one having ordinary skill in art the time the invention was made to modify Hjelmvik and Ganot to include that said device includes a reader capable of reading wirelessly a tag device placed on the vehicle, because it would advantageously simplify entering vehicle identification data into said device.

As per claims 42, 53 and 73, Bashan teaches said system and method, wherein the reference identification data is reference identification data of stolen vehicles (C. 6, L. 25-26). The motivation to combine Hjelmvik and Ganot with Bashan would be to recover stolen vehicles.

Claims 57 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjelmvik in view of Ganot further in view of Bashan and further in view of Koert et al. (US 5,416,486).

As per Claims 57 and 66, Hjelmvik and Ganot teach all the limitations of Claims 57 and 66, except that said device includes a reader capable of reading wirelessly an identification tag device placed on/in the vehicle, wherein said tag is hidden on/in said vehicle

Bashan teaches a system for monitoring parked vehicles, comprising a hand-held device including a reader capable of reading in a wireless fashion a tag placed in or on the vehicle, said tag carrying identification data of the vehicle (C. 5, L. 52-55).

Koert et al. (Koert) teaches an identification security tag system, wherein an identification tag is placed on/in a vehicle so that it is hidden from view (C. 3, L. 1-2).

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It would have been obvious to one having ordinary skill in art the time the invention was made to modify Hjelmvik and Ganot to include that said device includes a reader capable of reading wirelessly an identification tag device placed on the vehicle, as disclosed in Bashan, because it would advantageously simplify entering vehicle identification data into said device. And it would have been obvious to one having ordinary skill in art the time the invention was made to modify Hjelmvik, Ganot and to include that identification tag is placed on/in a vehicle so that it is hidden from view, as disclosed in Koert, because it would advantageously prevent crime elements from intervening with counter theft activity.

Claims 58-60 and 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjelmvik in view of Ganot and further in view of Vazvan (WO 97/19568).

As per claims 58-59 and 67-68 Hjelmvik and Ganot teach all the limitations of Claims 58-59 and 67-68, except that the system includes a plurality of remote stations associated with parking zones, each remote station being in wireless communication with an associated remote station, wherein said telecommunication network is a cellular telephone network.

Vazvan teaches a mobile parking method and system, including a plurality of remote computers (parking databases) associated with parking zones, and wherein each remote computer is in wireless communication with a hand-held device, such as a cell phone (P. 2, L. 9-22).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hjelmvik and Ganot to include a plurality of remote stations adapted to be in wireless communications with a cell phones, as disclosed in Vazvan, because it would advantageously allow to employ said system in the areas not equipped with land-line communication means.

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As per claims 60 and 69, Vazvan teaches said method and system, wherein said reference identification particulars are downloaded by means of SMS messaging (page 1, lines 1-3).

Claims 61 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjelmvik in view of Ganot further in view of Vazvan and further in view of Official Notice.

As per claims 61 and 70, Hjelmvik, Ganot and Vazvan teach all the limitations of **claims 61 and 70**, including use of communication network, except specifically teaching that said communication network is the Internet.

Official notice is taken that it is well known that the Internet is the largest existing network.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hjelmvik, Ganot and Vazvan to include that said communication network is the Internet, because using the existing network instead of building a dedicated network would advantageously save funds.

Response to Arguments

Applicant's arguments with respect to Claims 32-74 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (571) 272-6801.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Hayes, can be reached at (571) 272-6708.

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Any response to this action should be mailed to:

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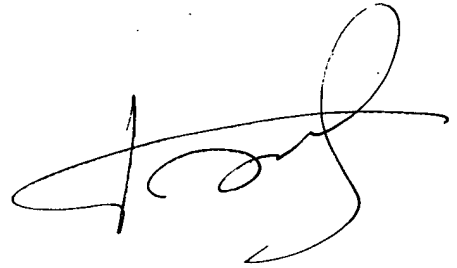
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or faxed to:

(703) 872-9306

[Official communications; including After Final
communications labeled "Box AF"]

Igor Borissov
Patent Examiner
Art Unit 3639

A handwritten signature in black ink, appearing to read 'Igor Borissov', with a large, stylized loop at the end.

IB

7/09/2005